

ARKANSAS SENATE
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of Senate Bill No. 901

AN ACT TO PROTECT THE PUBLIC HEALTH BY RESTRICTING THE PRIVATE
OWNERSHIP OF NONHUMAN PRIMATES.

Amendment No. 2 to Senate Bill No. 901

Amend Senate Bill No. 901 as engrossed, (version: 03/17/2011 03:48:31 PM)

Page 1, line 8, delete "RESTRICTING" and substitute "REGULATING"

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO PROTECT THE PUBLIC HEALTH BY
REGULATING THE PRIVATE OWNERSHIP OF
NONHUMAN PRIMATES."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 20, Chapter 19, is amended to add an
additional subchapter to read as follows:

Subchapter 6 – Personal Possession of Primates

20-19-601. Definition.

As used in this subchapter, "wildlife sanctuary" means a nonprofit organization described in Section 170(b)(1)(A)(vi), Internal Revenue Code 1986 as it existed on January 1, 2011, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced exotic animals are provided care for their lifetime or are released back to their natural habitat, and with respect to any animal owned by the organization, does not:

(1) Conduct any activity that is not inherent to the animal's nature;

(2) Use the animal for any type of entertainment;

(3) Sell, trade, or barter the animal or the animal's body parts; or

(4) Breed the animal.



20-19-602. Permit for personal possession.

(a) A person may possess a primate only if the person:

(1) Was in possession of the primate and was the legal possessor of the primate on or before August 12, 2011; and

(2)(A) Not more than ninety (90) days after the effective date of this subchapter, applies for a permit for personal possession for each primate in the person's possession under this subchapter; or

(B) Within two (2) years after the effective date of this subchapter can prove that:

(i) The person s had possession of a primate on or before August 12, 2011; and

(ii) Provides proof of ownership of the primate on or before August 12, 2011 with one (1) or more of the following documents:

(a) A United States Department of Agriculture transfer document;

(b) An Arkansas State Game and Fish Commission translocation permit;

(c) A health certificate;

(d) A veterinarian's record;

(e) A bill of sale; or

(f) Any other legal documentation.

(b)(1) A new permit for personal possession of a primate shall not be issued after August 12, 2013.

(2) A permit for personal possession of a primate may be transferred to a person who meets the criteria under subdivision (a)(2)(B) (i) and (ii) of this section.

(c) A person who brings a primate into Arkansas shall possess documentation signed by a licensed veterinarian that shows the primate to free of:

(1) Ebola virus;

(2) Hepatitis; and

(3) Any other incurable disease known to be carried by primates.

(d)(1) An applicant shall file on forms designed and provided by the Simian Society of Arkansas, LLC, an application to receive a permit for personal possession of a primate with the sheriff's department of the county in which the primate is kept.

(2) The application shall include:

(A) The name, address, and telephone number of the applicant;

(B) A description of the primate, including without limitation the name, gender, age, color, weight, and distinguishing marks or coloration that would aid in the identification of the primate;

(C) A photograph of the primate; and

(D) The location at which the primate is kept and a photograph of the location.

(3) The application shall be signed by the veterinarian who is expected to provide veterinary care to the primate and shall include the veterinarian's name, address, and telephone number.

(e) A county sheriff shall issue a permit for an application that meets the criteria under subsection (a) of this section.

(f) A county sheriff's office shall not grant an initial permit unless:

(1) The application is accompanied by an initial permit fee of two hundred dollars (\$200) for one (1) primate and ten dollars (\$10.00) for each additional primate owned by a person;

(2) The applicant is eighteen (18) years of age or older;

(3) The applicant has not pleaded guilty to or been found guilty of in the past ten (10) years a violation of a law prohibiting animal cruelty;

(4) The facility and the conditions in which the primate is kept comply with this subchapter; and

(5) The applicant has obtained the liability insurance coverage for the primate required under this subchapter.

(g)(1) A person who holds a permit for personal possession of a primate under subsection (a) of this section shall renew the permit for personal possession one (1) time every two (2) years.

(2) An application for renewal of a permit for personal possession of a primate shall be accompanied by a renewal fee of twenty-five dollars (\$25.00) for one (1) primate and ten dollars (\$10.00) for each additional primate owned by a person.

(h)(1) The county sheriff's department shall keep a record of each person issued a permit for personal possession of a primate.

(2) A permit holder shall notify the county sheriff's department of a change of the permit holder's information, including without limitation the death of the primate.

(3)(A) The county sheriff's department shall provide to the Department of Health a copy of the record of the issuance of and each change to a permit for personal possession of a primate to the Department of Health.

(B) The Department of Health shall compile and maintain an electronic database of each personal possession of a primate issued and active in the state.

(i) Except for nonhuman primates on the endangered species list, a primate possessed in this state shall not be bred.

(j) Fees levied and collected for permits of personal possession of a primate under this section shall be deposited into the county treasury to be used by the county sheriff's department to offset the cost of issuing permits of personal possession of a primate, for any costs involved in controlling primates located within the county, and for any other animal control costs.

20-19-603. Insurance.

A possessor of a primate shall maintain liability insurance coverage on personal assets to cover any damage caused by the primate.

20-19-604. Inspection.

The possessor of a primate shall allow an official of the county sheriff's department, an animal control officer, or a law enforcement officer of the municipality or county in which the primate is kept to enter the premises to ensure compliance with this subchapter.

20-19-605. Public contact – Warnings of escape.

(a)(1) A possessor of a primate shall not bring a primate to a retail establishment unless the possessor is bringing the primate to a veterinary clinic.

(2) A primate may be brought to a:

- (A) Veterinary clinic;
- (B) A meeting of the Simian Society of Arkansas, LLC; or
- (C) A private rented space.

(b)(1) If a primate escapes or is released, the possessor of the primate shall contact immediately the sheriff of the county in which the possessor resides to report the escape or release.

(2) The possessor is liable for all expenses associated with efforts to recapture the primate.

20-19-606. Confiscation.

(a) A primate may be confiscated immediately by a county sheriff's department if:

(1) The possessor does not have a permit for personal possession issued under this subchapter;

(2) The possessor does not have the liability insurance coverage required under this subchapter;

(3) The conditions under which the primate is kept are directly or indirectly dangerous to human health and safety; or

(4) The caging violates requirements of the Arkansas cruelty to animals statutes.

(b)(1) If a primate is confiscated, the possessor is liable for the costs of placement and care for the primate from the time of confiscation until the time the primate has been relocated to an alternative facility.

(2) The county sheriff's department shall seek to place the confiscated primate with a wildlife sanctuary, the Simian Society of Arkansas, LLC; or an institution accredited by the American Zoo and Aquarium Association.

20-19-607. Disposition of confiscated primate.

(a) If the possessor of a confiscated primate cannot be located or if a confiscated primate remains unclaimed, the sheriff's office shall:

(1) Request that the primate be taken by:

(A) A wildlife sanctuary;

(B) An institution accredited by the American Zoo and Aquarium Association; or

(C) The Simian Society of Arkansas, LLC; or

(2) Allow the animal to be adopted by a person who currently possesses a permit under this subchapter.

(b) A primate may be returned to the possessor only if the possessor of the primate:

(1) Holds a valid permit under this subchapter;

(2) Has corrected the conditions resulting in the confiscation;

(3) Has paid the cost of placement and care of the animal while under the care and control of the sheriff's office; and

(4) Has not had a primate previously confiscated by the sheriff's office.

(c) If the sheriff's office cannot relocate the primate under subsection (a) of this section or return the primate to the possessor under subsection (b) of this section, the sheriff's office shall request the prosecuting attorney to seek a court order to have the animal euthanized if the court decides that the best interests of the animal or that the public

health and safety would be best served by euthanizing the animal based on the sworn testimony of a licensed veterinarian or animal control office.

20-19-608. Penalties.

(a) If a person who possesses a primate fails to apply for a personal possession permit under this subchapter, the person is subject to:

(1) The initial permit fee under § 20-19-602(f), the biannual renewal fee, and a fine of one hundred dollars (\$100); or

(2) Confiscation of the primate.

(b) The sheriff's office shall revoke a permit for personal possession of a primate held by a possessor who has had a primate confiscated more than one (1) time.

(c) A person who violates this subchapter is guilty of a misdemeanor and on conviction is subject to a fine not exceeding one thousand dollars (\$1,000).

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator P. Malone
MGF/CDS - 03/23/11 10:35
MGF488

Secretary